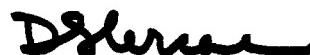


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARY BANKS,)
Plaintiff,)
)
v.) 2:04cv1551
) Electronic Filing
GREGORY GIDDENS, et al.,)
Defendants.)

ORDER OF COURT

AND NOW, this 7 day of November, 2005, plaintiff having filed a second amended civil rights complaint and defendants having filed a partial motion to dismiss the second amended complaint, a Report and Recommendation having been issued by the United States Magistrate Judge with no objections thereto having been filed, and the court having conducted an independent review of the pleadings, IT IS ORDERED that the defendants' partial motion to dismiss the plaintiff's second amended complaint (Doc. No. 54) be, and the same hereby is, granted as to defendants Pennsylvania Department of Corrections and individual defendants Mohring, Stickman, Kessler, Blandford, Colling, Goode, Povychi and Bitner. The Magistrate's Report and Recommendation of October 19, 2005, is adopted as the opinion of the court.



United States District Judge
David Stewart Cercone

cc: Gary Banks
CT-8731
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

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564 Forbes Avenue
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Pittsburgh, PA 15219

Honorable Robert C. Mitchell
United States Magistrate Judge